

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KELLY J. RICHARDSON, and JAMES  
POWELL, personally and as next friend for  
I.R., a minor, and S.P., a minor,

Plaintiffs,

No 3:14-cv-01027-ST

ORDER

v.

EMILIE SCHUBERT, in her individual  
capacity, GINGER VAN WINKLE, in  
her individual capacity, ERIN WIRTZ,  
in her individual capacity, JENNIE SMITH,  
in her individual capacity, KRISTIN LEMON,  
in her individual capacity, CARLOS CRUTCH,  
in his individual capacity, LINDSEY VERNOOY,  
in her individual capacity, DANIELLE SANTILI-DAY,  
in her individual capacity,

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation [84] on June 5, 2015,  
in which she recommends that this Court deny in part and grant in part the motion for summary  
judgment filed by Defendants Wirtz, Smith, Lemon, Crutch, Vernoooy, and Santili-Day,

(collectively, "Oregon Defendants"). The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

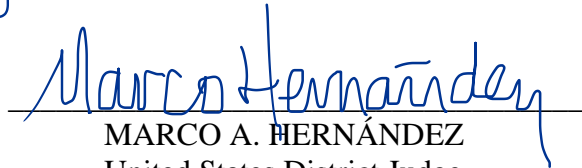
I have carefully considered Plaintiffs' and Oregon Defendants' objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Stewart's Findings & Recommendation [84]. Accordingly, Oregon Defendants' Amended Motion for Summary Judgment [58] is denied as to the Fourteenth Amendment claim based on Defendant Wirtz's and Defendant Smith's prosecutorial conduct which resulted in issuance of the initial protective order by the Oregon court on June 26, 2012. The Motion is otherwise granted.

IT IS SO ORDERED.

DATED this 3 day of Aug, 2015.

  
MARCO A. HERNÁNDEZ  
United States District Judge